

# 18

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Patent No.:** 5,795,865  
**Date of Issue:** August 18, 1998  
**Inventors:** William Markland  
Robert Charles Ladner  
**Title:** KALLIKREIN-INHIBITING "KUNITZ DOMAIN"  
PROTEINS AND ANALOGUES THEREOF

10-22-98

Atty. Docket No.: DYX-006.2P US

**Certificate of Corrections Branch**  
Assistant Commissioner for Patents  
Washington, DC 20231

**REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT  
UNDER 35 USC §§ 254 & 255**

Dear Sir:

Pursuant to 37 CFR §§ 1.322 & 1.323, Dyax Corp., sole assignee of the above-noted U.S. Patent 5,795,865, requests the attached Certificate of Correction, or a corrected patent, be issued to correct for Patent and Trademark Office printing mistakes and Applicants' typographical mistakes, which are minor in nature.

**OFFICE MISTAKE**

Pursuant 37 CFR §1.322, Dyax Corp. respectfully requests issuance of a Certificate of Correction, or alternatively a corrected patent, correcting typographical errors and omissions of amendment incurred through the fault of the Patent and Trademark Office. The nature of these errors, in their order of occurrence, are detailed below.

- An Office typographical error occurs in the issued patent at **page 1**, under the "**Inventors**" heading. The first name of the first inventor is misspelled. "Willaim Markland" should read "William

Markland". Support for this correction occurs within the Specification as filed and throughout the file record.

- An Office error of omission occurs in the issued patent at **column 1, line 52**. The accession number of the Genbank entry is omitted. "P03952" should be inserted after "Genbank entry". Support for this correction occurs within the Specification as filed at page 2, line 1.
- An Office error of insertion occurs in the issued patent at **column 2, line 64**. A period is improperly inserted after "from a" forming an incomplete sentence and thought. This period should be deleted. Support for this correction occurs within the Specification as filed at page 3, line 20.
- An Office error of errant character space insertion occurs in the issued patent at **column 5, line 56**. Serine protease site "S 1" should read "S1". Support for this correction occurs within the Specification as filed at page 7, line 19.
- An Office typographical error occurs in the issued patent at **column 7, line 24**. Dissociation constant "K" should read "K<sub>i</sub>". Support for this correction occurs within the Specification as filed at page 9, line 24.
- An Office error of errant character space insertion occurs in the issued patent at **column 8, line 24**. Amino acid substitution "D 16G" should read "D16G". Support for this correction occurs within the Specification as filed at page 11, line 6.
- An Office error of errant character space insertion occurs in the issued patent at **column 8, line 35**. Amino acid substitution "S 17A" should read "S17A". Support for this correction occurs within the Specification as filed at page 11, line 13.
- An Office error of errant character space insertion occurs in the issued patent at **column 8, line 41**. Amino acid substitution "S 15R" should read "S15R". Support for this correction occurs within the Specification as filed at page 11, line 17.
- An Office error of errant character space insertion occurs in the issued patent at **column 8, line 60**. Amino acid substitution "A3 1E" should read "A31E". Support for this correction occurs within the Specification as filed at page 11, line 28.
- An Office error of insertion occurs in the issued patent at **column 9, line 29**. A comma is improperly inserted in "R<sub>15</sub>". The comma should be deleted. Support for this correction occurs within the Specification as filed at page 12, line 22.
- An Office typographical error occurs in the issued patent at **column 14, line 56**. "optimiize" should read "optimize". Support for this correction occurs within the Specification as filed at page 20, line 1.
- An Office typographical error occurs in the issued patent at **column 15, line 31**. "(F)" should read

"(F)". Support for this correction occurs within the Specification as filed at page 20, line 28.

- An Office error of insertion occurs in the issued patent **claim 1 at column 71, line 51**. "naturally" is improperly repeated after "non-naturally" rendering the claim internally inconsistent and reciting non-statutory subject matter. "naturally" should be deleted. Support for this correction occurs within the Specification as filed at amended sheet page 44, line 4.
- An Office error of omission occurs in the issued patent **claim 5 at column 74, line 8**. "for Cys" is omitted, rendering the claim unclear. "for Cys" should be inserted after "semi-conservative substitution". Support for this correction occurs within the Specification as filed at amended sheet page 46, last line (claim 2 as filed).
- An Office error of inclusion occurs in the issued patent **claim 7 at column 74, line 25**. The claim language "preventing or " is recited in the claim preamble despite Examiner's Amendment removing this text. "preventing or " should be deleted. Support for this correction occurs within the file history as Examiner's Amendment, page 2, entry 2 (claim 8 as filed) accompanying Examiner's Interview Summary (paper no. 11) and Notice of Allowability dated February 12, 1998.
- An Office error of omission occurs in the issued patent **claim 8 at column 74, line 33**. A comma is omitted from the claim text despite Applicants' Amendment inserting this text. The use of the comma grammatically separates distinct steps of Applicants' claimed method and should be inserted at the appropriate location to read "said sample, and". Support for this correction occurs within the file history as Applicants' Amendment, page 3, line 10 (claim 9 as filed) dated December 17, 1997.
- An Office error of inclusion occurs in the issued patent **claim 10 at column 74, line 48**. The claim language "[KK2/#2,]" is recited in the claim despite Applicants' Amendment deleting this element. The inclusion of this reference sequence, unsupported by a SEQ ID NO., may render the claim unclear and prevent Applicants' claim to the reference sequence in any future application that claims priority to this issued patent. "[KK2/#2,]" should be deleted as amended. Support for this correction occurs within the file history as Applicants' Amendment, page 2, line 29 (claim 4 as filed) dated December 17, 1997.

Applicants affirm that all of the above-identified Office mistakes and the support for their proper corrections are clearly disclosed by the records of the Patent Office, and that at least some of the errors are errors of consequence in the reading and understanding of the disclosed and claimed subject matter, thus requiring correction. Applicants, therefore, respectfully request correction of the issued patent.

APPLICANTS' MISTAKE

In view of the necessary correction of Office mistakes detailed above, and pursuant to 37 CFR §1.323, Dyax Corp. respectfully requests issuance of a Certificate of Correction, or alternatively a corrected patent, further correcting Applicants' errors, which are solely of a typographical nature, are minor in character, and do not affect the scope or meaning of the patent. Applicants request these corrections solely to improve the readability of the disclosure. The errors, in their order of occurrence, are detailed below.

- In the patent at **column 3, line 14** and the specification at page 3, line 30, "the" should read --they--.
- In the patent at **column 4, line 55** and the specification at page 6, line 9, "purposed" should read --purposes--.
- In the patent at **column 6, line 20** and the specification at page 8, line 9, "J" should be deleted.
- In the patent at **column 7, line 21** and the specification at page 9, line 22, "screeneing" should read --screening--.
- In the patent at **column 8, line 35** and the specification at page 11, line 13, "T18,E19P" should read -T18, E19P--.
- In the patent at **Column 9, lines 3 & 7** and the specification at page 12, lines 4 & 6, "RI18H" should read --I18H--. The context of this mistake is the disclosure of amino acid substitutions to the referenced BPTI amino acid sequence to construct Applicants pKA inhibitor, DKI-7.1. Support for the correct residue substitution designation of "I18H" can be found in Table 2 of the specification as filed. Amino acid residue #18 of the BPTI sequence (SEQ ID NO:2) is identified as I (isoleucine); not R (arginine) and amino acid residue #18 of the DKI-7.1 sequence (SEQ ID NO:55) is identified as H (histidine). Therefore, the proper identification of the amino acid substitution at position 18 is "I18H". Applicants affirm the correction of this amino acid residue substitution is solely typographical in nature and does not affect the subject matter of the disclosure or introduce new matter.
- In the patent at **column 9, line 8** and the specification at page 12, line 7, "MODIFICARION" should read --MODIFICATION--.
- In the patent at **column 9, line 53** and the specification at page 13, line 8, a period, ".", should be inserted after "synthetic replacement sequences" for grammatical correctness.
- In the patent at **column 11, line 23** and the specification at page 15, line 10, "the" should be deleted after "small and".
- In the patent **claim 5 at column 73, line 44** and the specification (claim 2) at amended sheet page 45 bridging page 46, "or" should be moved from before "any conservative" to after "any conservative".

Applicants affirm that the above-identified mistakes, and their subsequent correction, are made in good faith, do not constitute new matter, do not affect the scope or meaning of the patent, or otherwise raise new issues that would require re-examination.

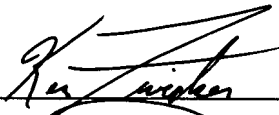
Applicants submit herewith a fee transmittal form (in duplicate) and a check in the amount of \$100.00 in payment of the fee according to 37 CFR §1.20(a). If there is any fee deficiency, the Commissioner is authorized to charge Deposit Account No. 50-0268.

Submitted herewith in duplicate is Form PTO-1050, with at least one copy being suitable for camera copy for direct offset printing of the Certificate of Correction.

Please send the Certificate to:

**Leon R. Yankwich**  
**YANKWICH & ASSOCIATES**  
**130 Bishop Allen Drive**  
**Cambridge, MA 02139**

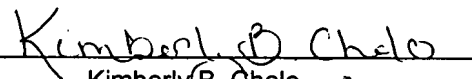
Respectfully submitted,

  
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**CERTIFICATE OF MAILING**

The undersigned hereby certifies that this correspondence is being deposited with the U.S. Postal Service as first class mail, in an envelope addressed to the Certificate of Corrections Branch, Asst. Commissioner for Patents, Washington, D.C. 20231 on the date indicated below:

October 15, 1998  
Date

  
\_\_\_\_\_  
Kimberly B. Chelo

(Also Form PTO-1050)

# UNITED STATES PATENT AND TRADEMARK OFFICE

## CERTIFICATE OF CORRECTION

PATENT NO : 5,795,865  
 DATED : Aug. 18, 1998  
 INVENTOR(S) : Markland & Ladner

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

In the Patent at page 1, after the heading "Inventors:", "Willaim" should read --William--.

Column 1, line 52, after "Genebank entry" insert --P03952--.

Column 2, line 64, after "from a" delete --,-- {period}.

Column 3, line 14, "the" should read --they--.

Column 4, line 55, "purposed" should read --purposes--.

Column 5, line 56, "S 1" should read --S1--.

Column 6, line 20, delete "J".

Column 7, line 21, "screeneing" should read --screening--; line 24 "K" should read --K;--.

Column 8, line 24, "D 16G" should read --D16G--; line 35, "S 17A" should read --S17A--;

line 35 "T18;E19P" should read --T18, E19P--;

line 41, "S 15R" should read --S15R--; line 60, "A3 1E" should read --A31E--.

Column 9, line 3, "RI18H" should read --I18H--; line 7, "RI18H" should read --I18H--;

line 8, "MODIFICARION" should read --MODIFICATION--;

line 29, "R<sub>15</sub>" should read --R<sub>15</sub>--; line 53, after "sequences" insert --,-- {period}.

Column 11, line 23, after "small and" delete "the".

Column 14, line 56, "optimiize" should read --optimize--.

Column 15, line 31, "(F)" should read --(F)--.

Column 71, line 51, after "non-naturally" delete "naturally".

Column 73, line 44, delete "or" before "any conservative" and insert --or-- after "conservative".

Column 74, line 8, after "substitution" insert --for Cys--; line 25, delete "preventing or";

line 33, after "said sample" insert --,-- {comma}; line 48, delete "[KK2/#2, ]".

MAILING ADDRESS OF SENDER:

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PATENT NO. 5,795,865

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